

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: Civil Action No. 21 MC 97 (AKH)  
:  
: This Document Relates to:  
: 03 CV 6968  
IN RE SEPTEMBER 11, 2001 LITIGATION :  
: Wilson v. American Airlines, Inc., et. al.  
:  
:  
:  
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**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE THAT**, defendant Delta Air Lines, Inc. incorrectly s/h/a Delta Airlines, Inc. and Delta Express, Inc., hereby adopts its Master Answer to Plaintiffs' Fourth Amended Flight 11 Master Liability Complaint as its Answer in the above-captioned action.

**PLEASE TAKE FURTHER NOTICE THAT** in addition to the defenses alleged in its Master Answers, defendant Delta Air Lines, Inc. alleges the following defenses herein:

**AS AND FOR A FIRST DEFENSE**

**FIRST:** Service of process in this action was insufficient.

**AS AND FOR A SECOND DEFENSE**

**SECOND:** This Court does not have jurisdiction over the person of this defendant.

**AS AND FOR A THIRD DEFENSE**

**THIRD:** The plaintiffs are barred from relief pursuant to the applicable statute or period of limitations.

**AS AND FOR A FOURTH DEFENSE**

**FOURTH:** Plaintiff's claims are barred by the state secret doctrine.

**AS AND FOR A FIFTH DEFENSE**


**FIFTH:** Plaintiff's Complaint must be dismissed to the extent that relevant evidence required by Delta to mount its defense is prohibited from disclosure by 14 C.F.R. §1520 et seq. as Sensitive Security Information.

**AS AND FOR A SIXTH DEFENSE**

**SIXTH:** Plaintiff's alleged damages were caused by an act of war.

Dated: Garden City, New York  
November 13, 2007

**GALLAGHER GOSSEEN  
FALLER & CROWLEY**

By:   
**MICHAEL J. CROWLEY  
JAMES A. GALLAGHER, JR.  
JAMES F. GALLAGHER**

A Member of the Firm  
*Attorneys for Defendant*  
**DELTA AIR LINES, INC. incorrectly  
s/h/a DELTA AIRLINES, INC.**  
1010 Franklin Avenue, Suite 400  
Garden City, NY 11530-2927  
(516) 742-2500  
**Atty. I.D. # MC/2821  
Atty. I.D. # JG/7597  
Atty. I.D. # JG 3256**

TO: **SEE ATTACHED SERVICE LIST  
(Via Electronic Mail Only)**

SERVICE LIST

TO: Keith S. Franz, Esq.  
**AZRAEL GANN & FRANZ LLP**  
101 East Chesapeake Avenue, 5<sup>th</sup> Floor  
Baltimore, Maryland 21286  
(410) 821-6800  
*Counsel for Plaintiff Re: Doc. No. 03 CV 6968*  
**Via E-Mail: kfranz@agflaw.com**

Donald A. Migliori, Esq.  
Michael E. Elsner, Esq.  
**MOTLEY RICE**  
P.O. Box 1792  
Mount Pleasant, South Carolina 29465  
(843) 216-9000  
*PI/WD Plaintiffs' Liaison Counsel*  
**Via E-Mail: dmigliori@motleyrice.com**  
**Via E-Mail: melsner@motleyrice.com**

Marc S. Moller, Esq.  
Brian Alexander, Esq.  
**KREINDLER & KREINDLER, LLP**  
100 Park Avenue, 18<sup>th</sup> Floor  
New York, New York 10017  
(212) 687-8181  
*PI/WD Plaintiffs' Liaison Counsel*  
**Via E-Mail: mmoller@kreindler.com**  
**Via E-Mail: balexander@kreindler.com**

Desmond T. Barry, Jr., Esq.  
**CONDON & FORSYTH LLP**  
Times Square Tower  
7 Times Square, 18<sup>th</sup> Floor  
New York, New York 10036  
(212) 894-6770  
*Aviation Defendants' Liaison Counsel*  
**Via E-Mail: dbarry@condonlaw.com**  
**Via E-Mail: vturchetti@condonlaw.com**

\*\*\* SERVICE RIDER (CONT'D) \*\*\*

TO: Robert A. Clifford, Esq.  
Tim Tomasik, Esq.  
**CLIFFORD LAW OFFICES**  
120 North LaSalle Street, Suite 31  
Chicago, Illinois 60602  
(312) 899-9090  
*PD/BL Plaintiffs' Liaison Counsel*  
**Via E-Mail: rac@cliffordlaw.com**  
**Via E-Mail: tst@cliffordlaw.com**

Richard A. Williamson, Esq.  
Brad Stein, Esq.  
**FLEMMING ZULACK**  
**WILLIAMSON ZAUDERER LLP**  
One Liberty Plaza, 35<sup>th</sup> Floor  
New York, New York 10006  
(212) 412-9500  
*Ground Defendants' Liaison Counsel*  
**Via E-Mail: rwilliamson@fzwz.com**  
**Via E-Mail: bstein@fzwz.com**

Beth D. Jacob, Esq.  
**SCHIFF HARDIN LLP**  
623 Fifth Avenue, 28<sup>th</sup> Floor  
New York, New York 10022  
(212) 753-5000  
*7 World Trade Center Ground Defendants' Liaison Counsel*  
**Via E-Mail: bjacob@schiffhardin.com**

**\*\*\* SERVICE RIDER (CONT'D) \*\*\***

TO: Sarah S. Normand, Esq.  
Beth Goldman, Esq.  
Jeannette Vargas, Esq.  
Assistant U.S. Attorneys  
Southern District of New York  
**UNITED STATES DEPARTMENT OF JUSTICE**  
86 Chambers Street  
New York, New York 10007  
(212) 637-2709  
*Counsel for Intervenor*  
*THE UNITED STATES OF AMERICA*  
**Via E-Mail: sarah.normand@usdoj.gov**  
**Via E-Mail: beth.goldman@usdoj.gov**  
**Via E-Mail: jeannette.vargas@usdoj.gov**

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NASSAU )

Cathy Siliato, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at Glen Oaks, New York.

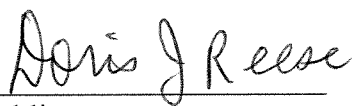
On November 13, 2007 deponent served the within **NOTICE OF ADOPTION** upon:

**SEE ATTACHED SERVICE LIST  
Via Electronic Mail Only**

being the E-Mail addresses designated by said attorneys/parties for that purpose by transmitting a true copy of same by use of the World Wide Web through a designated Internet Provider Service.

  
\_\_\_\_\_  
CATHY SILIATO

Sworn to before me this  
13<sup>th</sup> day of November, 2007

  
\_\_\_\_\_  
Notary Public

DORIS J. REESE  
Notary Public, State of New York  
No. 30-4502346  
Qualified in Nassau County  
Commission Expires 10-22-09

\*\*\* SERVICE RIDER (CONT'D) \*\*\*

TO: Robert A. Clifford, Esq.  
Tim Tomasik, Esq.  
**CLIFFORD LAW OFFICES**  
120 North LaSalle Street, Suite 31  
Chicago, Illinois 60602  
(312) 899-9090  
*PD/BL Plaintiffs' Liaison Counsel*  
**Via E-Mail:** rac@cliffordlaw.com  
**Via E-Mail:** tst@cliffordlaw.com

Richard A. Williamson, Esq.  
Brad Stein, Esq.  
**FLEMMING ZULACK**  
**WILLIAMSON ZAUDERER LLP**  
One Liberty Plaza, 35<sup>th</sup> Floor  
New York, New York 10006  
(212) 412-9500  
*Ground Defendants' Liaison Counsel*  
**Via E-Mail:** rwilliamson@fzwz.com  
**Via E-Mail:** bstein@fzwz.com

Beth D. Jacob, Esq.  
**SCHIFF HARDIN LLP**  
623 Fifth Avenue, 28<sup>th</sup> Floor  
New York, New York 10022  
(212) 753-5000  
*7 World Trade Center Ground Defendants' Liaison Counsel*  
**Via E-Mail:** bjacob@schiffhardin.com

Sarah S. Normand, Esq.  
Beth Goldman, Esq.  
Jeannette Vargas, Esq.  
Assistant U.S. Attorneys  
Southern District of New York  
**UNITED STATES DEPARTMENT OF JUSTICE**  
86 Chambers Street  
New York, New York 10007  
(212) 637-2709  
*Counsel for Intervenor*  
*THE UNITED STATES OF AMERICA*  
**Via E-Mail:** sarah.normand@usdoj.gov  
**Via E-Mail:** beth.goldman@usdoj.gov  
**Via E-Mail:** jeannette.vargas@usdoj.gov

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TO: Keith S. Franz, Esq.  
**AZRAEL GANN & FRANZ LLP**  
101 East Chesapeake Avenue, 5<sup>th</sup> Floor  
Baltimore, Maryland 21286  
(410) 821-6800  
*Counsel for Plaintiff Re: Doc. No. 03 CV 6968*  
**Via E-Mail: kfranz@agflaw.com**

Donald A. Migliori, Esq.  
Michael E. Elsner, Esq.  
**MOTLEY RICE**  
P.O. Box 1792  
Mount Pleasant, South Carolina 29465  
(843) 216-9000  
*Counsel for Plaintiff Re: Doc. No. 02 CV 7608*  
*and PI/WD Plaintiffs' Liaison Counsel*  
**Via E-Mail: dmigliori@motleyrice.com**  
**Via E-Mail: melsner@motleyrice.com**

Marc S. Moller, Esq.  
Brian Alexander, Esq.  
**KREINDLER & KREINDLER, LLP**  
100 Park Avenue, 18<sup>th</sup> Floor  
New York, New York 10017  
(212) 687-8181  
*PI/WD Plaintiffs' Liaison Counsel*  
**Via E-Mail: mmoller@kreindler.com**  
**Via E-Mail: balexander@kreindler.com**

Desmond T. Barry, Jr., Esq.  
**CONDON & FORSYTH LLP**  
Times Square Tower  
7 Times Square, 18<sup>th</sup> Floor  
New York, New York 10036  
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***GALLAGHER GOSSEEN FALLER & CROWLEY  
Attorneys at Law***

***Attorneys for Defendant***

***DELTA AIR LINES, INC. - FLIGHT 11***

***Office and Post Office Address, Telephone  
1010 Franklin Avenue  
Suite 400  
Garden City, New York 11530  
(516) 742-2500  
Fax: (516) 742-2516***